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09/996,495	11/29/2001	Bradd A. Kadlecik	POU901017US1	2219
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Blanche E. Schiller, Esq. Heslin Rothenberg Farley & Mesiti P.C. 5 Columbia Circle Albany, NY 12203			PANNALA, SATHYANARAYA R	
			ART UNIT	PAPER NUMBER
			2177	3

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/996,495

Applicant(s)

KADLECIK ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 4, 10-12, 14, 16, 20, 22, 24, 26 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 2, 10, 12, 20, 22, 24, 32, "The selecting is based on one or more rules of a programming language of the computer program."

As per claims 4, 14, 26, "The one or more items comprise one or more classes."

As per claim 10, 20, 22, 32, "selecting one or more items in which to search for text of a computer program, the one or more items being associated with the computer program, wherein items not associated with the computer program are not selected to be searched."

As per claims 10, 20, 22, 32, "Identifying one or more locations in which the one or more items to be searched for the text are to be included, the one or more locations being associated with the computer program, wherein locations not associated with the computer program are not identified."

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Burk et al. ("UNIX System Administrator's Edition", 1997) hereinafter Burk.

5. Burk anticipated the independent claim 1, APA has stated FIND and GREP commands are two search tools, that are used to search files for selected text (page 1, paragraph 002). Burk explains the same commands in more details available in UNIX operating system. Burk teaches "identifying text of a computer program to be searched" the GREP command to search the text (Page 174, Examples). Burk further teaches "selecting one or more items associated with the computer program in which to search for the text, wherein items not associated with the computer program are not selected to be searched" file-name and directory-name are provided to search in the specific directory for the file-name (page 145).

6. As per dependent claim 2, Burk further teaches "the selecting is based on one or more rules of a programming language of the computer program" for example, find . - name "test\*" -print will search for all filenames start with test (page 148). Examiner assumes that the rules related to search could be the filename extensions allowed in

case of computer program names. For example, in case of C programming language, the source code is stored as filename.c and header files are stored as filename.h.

Using the command `find . -name "*.c" -print`, will display all files in the directory with the file extension of "c".

7. As per dependent claim 3, Burk further teaches "the one or more items comprise one or more files" as per the specification" for example, `find . -name "test*" -print` will search for all filenames (one or more) start with test and printed on the screen (page 148).

8. As per dependent claim 4, Burk further teaches "the one or more items comprise one or more classes". Examiner considering the technical dictionary meaning of class as a group of objects in object-oriented programming languages. There is no difference from searching the name of the class. Whether you are searching for a string/word or a class name within a computer program, GREP command searches, for example, GREP dummy file1 to find all occurrences of dummy (page 174, Examples).

9. As per dependent claim 5, Burk further teaches "the selecting comprises choosing one or more locations (=directories) associated with the computer program in which the one or more items to be searched are to be included, wherein locations not associated with the computer program are not chosen" for example `find /home filename` will search for files in the home directory (page 726) and Filenames are computer program names with specific extension to the file name based on the programming language.

10. As per dependent claim 6, Burk teaches “the one or more locations comprise one or more directories” for example find /home/directory1 filename will search for files in the directory1 directory. The other directory above it is home directory (page 726).

11. As per dependent claim 7, Burk teaches “the one or more locations are designated by an environment variable used in compiling the computer program” as in the disclosure, the INCLUDE statement indicates where to look for the environment file which is same as searching for the file in the specific directory and that directory may be subdirectory for another directory, for example ./test2/test21 (page 148).

12. As per dependent claim 8, Burk teaches “the choosing is based on one or more rules of a programming language of the computer program” computer program code files are stored in with programming language specific extensions, for example C program files are stored as “filename.c whereas compiled files are stored as filename.o” (page 146).

13. As per dependent claim 9, Burk teaches “the text is referenced by the computer program, but not defined within the computer program” as in the disclosure, the INCLUDE statement indicates where to look for the environment file which is same as searching for the file in the specific directory and that directory may be subdirectory for another directory, for example ./test2/test21 (page 148).

14. Burk anticipated the independent claim 10, APA has stated FIND and GREP commands are two search tools, that are used to search files for selected text (page 1, paragraph 002). Burk explains the same commands in more details available in UNIX operating system. Burk teaches “selecting one or more items in which to search for text

of a computer program, the one or more items being associated with the computer program, wherein items not associated with the computer program are not selected to be searched" file-name and directory-name are provided to search in the specific directory for the file-name (page 145). Burk further teaches "identifying one or more locations (=directory) in which the one or more items to be searched for the text are to be included, the one or more locations being associated with the computer program, wherein locations not associated with the computer program are not identified" for example find /home filename will search for files in the home directory (page 726) and Filenames are computer program names with specific extension to the file name based on the programming language. Burk finally teaches "at least one of the selecting and identifying uses one or more rules of a programming language of the computer program" " for example, find . -name "test\*" -print will search for all filenames start with test (page 148). Examiner assumes that the rules related to search could be the filename extensions allowed in case of computer program names. For example, in case of C programming language, the source code is stored as filename.c and header files are stored as filename.h. Using the command find .-name "\*.c" -print, will display all files in the directory with the file extension of "c".

15. Burk anticipated the independent claim 11. APA has stated FIND and GREP commands are two search tools, that are used to search files for selected text (page 1, paragraph 002). Burk explains the same commands in more details available in UNIX operating system. Burk teaches "identifying text of a computer program to be searched" the GREP command to search the text (Page 174, Examples). Burk further teaches

“selecting one or more items associated with the computer program in which to search for the text, wherein items not associated with the computer program are not selected to be searched” file-name and directory-name are provided to search in the specific directory for the file-name (page 145).

16. As per dependent claim 12, Burk further teaches “the selecting is based on one or more rules of a programming language of the computer program” for example, find . -name “test\*” -print will search for all filenames start with test (page 148). Examiner assumes that the rules related to search could be the filename extensions allowed in case of computer program names. For example, in case of C programming language, the source code is stored as filename.c and header files are stored as filename.h. Using the command find .-name “\*.c” -print, will display all files in the directory with the file extension of “c”.

17. As per dependent claim 13, Burk further teaches “the one or more items comprise one or more files” for example, find . -name “test\*” -print will search for all filenames (one or more) start with test and printed on the screen (page 148).

18. As per dependent claim 14, Burk further teaches “the one or more items comprise one or more classes.” Examiner considering the technical dictionary meaning of class is a group of objects in object-oriented programming languages. There is no difference from searching the name of the class. Whether you are searching for a string/word or a class name within a computer program, GREP command searches, for example, GREP dummy file1 to find all occurrences of dummy (page 174, Examples).



19. As per dependent claim 15, Burk teaches “the means for selecting comprises means for choosing one or more locations (=directories) associated with the computer program in which the one or more items to be searched are to be included, wherein locations not associated with the computer program are not chosen” for example find /home filename will search for files in the home directory (page 726) and Filenames are computer program names with specific extension to the file name based on the programming language.

20. As per dependent claim 16, Burk teaches “the one or more locations comprise one or more directories” for example find /home/directory1 filename will search for files in the directory1 directory. The other directory above it is home directory (page 726).

21. As per dependent claim 17, Burk teaches “the one or more locations are designated by an environment variable used in compiling the computer program” as in the disclosure, the INCLUDE statement indicates where to look for the environment file which is same as searching for the file in the specific directory and that directory may be subdirectory for another directory, for example ./test2/test21 (page 148).

22. As per dependent claim 18, Burk teaches “the choosing is based on one or more rules of a programming language of the computer program” computer program code files are stored in with programming language specific extensions, for example C program files are stored as “filename.c whereas compiled files are stored as filename.o” (page 146).

23. As per dependent claim 19, Burk further teaches “the text is referenced by the computer program, but not defined within the computer program” as in the disclosure,

the INCLUDE statement indicates where to look for the environment file which is same as searching for the file in the specific directory and that directory may be subdirectory for another directory, for example ./test2/test21 (page 148).

24. Burk anticipated the independent claim 20, APA has stated FIND and GREP commands are two search tools, that are used to search files for selected text (page 1, paragraph 002). Burk explains the same commands in more details available in UNIX operating system. Burk teaches "selecting one or more items in which to search for text of a computer program, the one or more items being associated with the computer program, wherein items not associated with the computer program are not selected to be searched" file-name and directory-name are provided to search in the specific directory for the file-name (page 145). Burk further teaches "identifying one or more locations in which the one or more items to be searched for the text are to be included, the one or more locations being associated with the computer program, wherein locations not associated with the computer program are not identified" for example find /home filename will search for files in the home directory (page 726) and Filenames are computer program names with specific extension to the file name based on the programming language. "wherein at least one of the means for selecting and means for identifying uses one or more rules of a programming language of the computer program" " for example, find . -name "test\*" -print will search for all filenames start with test (page 148). Examiner assumes that the rules related to search could be the filename extensions allowed in case of computer program names. For example, in case of C programming language, the source code is stored as filename.c and header files

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are stored as filename.h. Using the command `find .-name "*.c" -print`, will display all files in the directory with the file extension of "c".

25. Burk anticipated the independent claim 21, APA has stated FIND and GREP commands are two search tools, that are used to search files for selected text (page 1, paragraph 002). Burk explains the same commands in more details available in UNIX operating system. Burk teaches "text of a computer program to be searched" the GREP command to search the text (Page 174, Examples). Burk further teaches "at least one computing unit to select one or more items associated with the computer program in which to search for the text, wherein items not associated with the computer program are not selected to be searched" " file-name and directory-name are provided to search in the specific directory for the file-name (page 145).

26. Burk anticipated the independent claim 22, APA has stated FIND and GREP commands are two search tools, that are used to search files for selected text (page 1, paragraph 002). Burk explains the same commands in more details available in UNIX operating system. Burk teaches "at least one computing unit to select one or more items in which to search for text of a computer program, the one or more items being associated with the computer program, wherein items not associated with the computer program are not selected to be searched" file-name and directory-name are provided to search in the specific directory for the file-name (page 145). Burk further teaches "at least one computing unit to identify one or more locations in which the one or more items to be searched for the text are to be included, the one or more locations being associated with the computer program, wherein locations not associated with the

computer program are not identified" for example `find /home filename` will search for files in the home directory (page 726) and Filenames are computer program names with specific extension to the file name based on the programming language. Burk further teaches "wherein at least one of the selecting and identifying uses one or more rules of a programming language of the computer program " for example, `find . -name "test*" -print` will search for all filenames start with test (page 148). Examiner assumes that the rules related to search could be the filename extensions allowed in case of computer program names. For example, in case of C programming language, the source code is stored as `filename.c` and header files are stored as `filename.h`. Using the command `find .-name "*.c" -print`, will display all files in the directory with the file extension of "c".

27. Burk anticipated the independent claim 23, APA has stated FIND and GREP commands are two popular search tools in UNIX operating system, that are used to search files for selected text (page 1, paragraph 002). Burk explains the same commands in more details. Burk teaches "identifying text of a computer program to be searched" the GREP command to search the text (Page 174, Examples). Burk further teaches "selecting one or more items associated with the computer program in which to search for the text, wherein items not associated with the computer program are not selected to be searched" " file-name and directory-name are provided to search in the specific directory for the file-name (page 145).

28. As per dependent claim 24, Burk further teaches "the selecting is based on one or more rules of a programming language of the computer program" for example, `find . -name "test*" -print` will search for all filenames start with test (page 148).

Examiner assumes that the rules related to search could be the filename extensions allowed in case of computer program names. For example, in case of C programming language, the source code is stored as filename.c and header files are stored as filename.h. Using the command `find .-name "*.c" -print`, will display all files in the directory with the file extension of "c".

29. As per dependent claim 25, Burk further teaches "the one or more items comprise one or more files " as per the specification" for example, `find . -name "test*" -print` will search for all filenames( one or more) start with test and printed on the screen (page 148).

30. As per dependent claim 26, Burk further teaches "the one or more items comprise one or more classes ". Examiner considering the technical dictionary meaning of class is a group of objects in object-oriented programming languages. There is no difference from searching the name of the class. Whether you are searching for a string/word or a class name within a computer program, GREP command searches, for example, GREP dummy file1 to find all occurrences of dummy (page 174, Examples).

31. As per dependent claim 27, Burk further teaches "the selecting comprises choosing one or more locations (= directory) associated with the computer program in which the one or more items to be searched are to be included, wherein locations not associated with the computer program are not chosen" for example `find /home filename` will search for files in the home directory (page 726) and Filenames are computer program names with specific extension to the file name based on the programming language.

32. As per dependent claim 28, Burk further teaches "the one or more locations comprise one or more directories" as in the disclosure, the INCLUDE statement indicates where to look for the environment file which is same as searching for the file in the specific directory and that directory may be subdirectory for another directory, for example ./test2/test21 (page 148).

33. As per dependent claim 29, Burk further teaches "the one or more locations are designated by an environment variable used in compiling the computer program " as in the disclosure, the INCLUDE statement indicates where to look for the environment file which is same as searching for the file in the specific directory and that directory may be subdirectory for another directory, for example ./test2/test21 (page 148).

34. As per dependent claim 30, Burk further teaches " the choosing is based on one or more rules of a programming language of the computer program " computer program code files are stored in with programming language specific extensions, for example C program files are stored as "filename.c whereas compiled files are stored as 'filename.o" (page 146).

35. As per dependent claim 31, Burk further teaches "the text is referenced by the computer program, but not defined within the computer program " as in the disclosure, the INCLUDE statement indicates where to look for the environment file which is same as searching for the file in the specific directory and that directory may be subdirectory for another directory, for example ./test2/test21 (page 148).

36. Burk anticipated the independent claim 32, APA has stated FIND and GREP commands are two search tools, that are used to search files for selected text (page 1,

paragraph 002). Burk explains the same commands in more details available in UNIX operating system. Burk teaches "selecting one or more items in which to search for text of a computer program, the one or more items being associated with the computer program, wherein items not associated with the computer program are not selected to be searched" " file-name and directory-name are provided to search in the specific directory for the file-name (page 145). Burk further teaches "identifying one or more locations in which the one or more items to be searched for the text are to be included, the one or more locations being associated with the computer program, wherein locations not associated with the computer program are not identified" for example find /home filename will search for files in the home directory (page 726) and Filenames are computer program names with specific extension to the file name based on the programming language. Burk further teaches "wherein at least one of the selecting and identifying uses one or more rules of a programming language of the computer program" " for example, find . -name "test\*" -print will search for all filenames start with test (page 148). Examiner assumes that the rules related to search could be the filename extensions allowed in case of computer program names. For example, in case of C programming language, the source code is stored as filename.c and header files are stored as filename.h. Using the command find .-name "\*.c" -print, will display all files in the directory with the file extension of "c".

### ***Conclusion***

37. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

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38. If a reference indicated, as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sathyanarayan Pannala  
Examiner  
Art Unit 2177

srp  
April 5, 2004

  
GRETA ROBINSON  
PRIMARY EXAMINER